

**From:** Jason Paul Kazarian  
**To:** Microsoft ATR  
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**Subject:** Tunney Act Comment

Microsoft used its monopoly power in one market, namely that for personal computer operating systems, to boost its market share in another market, namely personal computer application software. This practice is illegal. The finding of fact that the preceeding is true was also upheld on appeal.

The court must break the tie. Microsoft has a right to its operating system monopoly but not its application software business: Microsoft engaged in an illegal practice to build and nurture that business.

Any remedy that does not include breaking this tie allows Microsoft to continue operating in violation of the Sherman Anti-Trust act. Such a settlement must not be considered.

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